IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9708 OF 2003

Shri Bandu Ganu Pawar ..Petitioner

Vs.

Smt. Anusuya Maruti Pawar and ors. ..Respondents

Mr. D.S. Sawant for petitioner.
Mr. R.M. Patne, AGP for State.

CORAM: B.H. MARLAPALLE, J.

Date : June 13, 2006.

P.C.:

1. Heard Mr. Sawant the learned counsel for the petitioner who has aggrieved by the order passed by the Administrator and Commissioner, Konkan Division, Mumbai on 20/12/2002. By the said order Appeal No.36 of 2000 filed by the respondent has been allowed under Section 35 of the Maharashtra Slum Area (I.C & R) Act, 1971.

2. In short, it is clear that the respondent is required to pay monthly rental compensation to the original owner i.e. Ganu Govind Pawar. The present petitioner claims that the original owner is no more and, therefore, he being the owner's son is entitled

to receive the rental compensation. In the order dated 25/6/1997 it was expected that the present petitioner should obtain a succession certificate mainly because his claim that he is the son of the original owner was disputed and it was contended that the petitioner's correct name is Bandu Dattu Patil.

3. The petition is, therefore, disposed off by directing that the rental compensation shall be deposited with the Competent Authority i.e. Deputy Collector (Enforcement) and Competent Authority) Kurla-II, Mulund, Mumbai 400 080 and the petitioner shall be entitled to claim the refund of the said amount from the Competent Authority on submission of his succession certificate.

. Writ to go forthwith.

(B.H. Marlapalle,J.)